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March 29, 2022

BY ECF AND EMAIL

The Honorable Robert D. Drain  
United States Bankruptcy Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601-4140

Re: *In re 96 Wythe Acquisition LLC, No. 21-22108, and AP No. 22-07002-rdd*—Request for  
Pre-Trial Conference

Dear Judge Drain:

The undersigned and this law firm, together with Kramer Levin Naftalis & Frankel, LLP, are co-counsel to Benefit Street Partners Realty Operating Partnership, L.P. (“BSP”) in the above-referenced cases, namely, the Chapter 11 Case pending as Case No. 21-22108 (the “Chapter 11 Case”), and the Adversary Proceeding pending as Case No. 22-07002 (the “Adversary Proceeding”).

There are a number of matters set for hearing before the Court on April 7, 2022 at 10:00 am in both the Chapter 11 Case and Adversary Proceeding. Among these matters are the following:

1. Confirmation of the Debtor’s Second Amended Chapter 11 Plan of Reorganization [Docket No. 196];
2. Debtor’s motion pursuant to Bankruptcy Rule 9019 to Approve a Settlement Between the Debtor and its related management company [Docket No. 153];
3. Debtor’s objections to various claims for property taxes, occupancy taxes, corporate and UBT taxes and various penalties, filed by the New York City Department of Finance [Docket Nos. 253, 254, 302, and 306];

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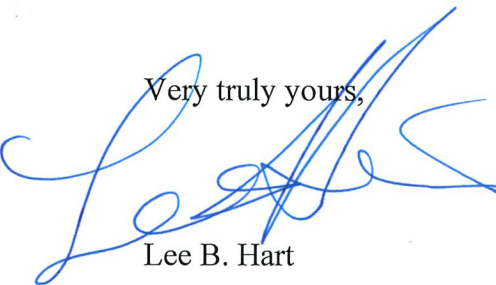
4. Debtor's Exigent Motion Requesting (A) Expedited Consideration and a Preliminary Ruling Pending Insurance Coverage Disputes as they Relate to Plan Confirmation, *et al.* [Docket No. 469];
5. Various other objections to claims filed by the Debtor [Docket Nos. 247, 248, 251, 303]; and
6. The Partial Motion to Dismiss filed by BSP in the Adversary Proceeding [Adversary Proceeding Docket Nos. 4, 5, 7 and 12].

In addition, on March 28, 2022, BSP filed its Renewed Motion for the Appointment of a Chapter 11 Trustee Based on Continuing Malfeasance, related appendix in support, and motion to shorten notice period [Docket Nos. 476, 477 and 478] (collectively, the "Trustee Motion"). Judge Chapman, who mediated settlement discussions between BSP and the Debtor, specifically authorized BSP to inform the Court that she requested BSP refrain from filing the Trustee Motion until termination of the mediation. On the evening of March 28, 2022, Judge Chapman stated that BSP could now file the Trustee Motion, which it promptly did and has requested the Trustee Motion be heard on April 7, 2022 as well. *See* BSP's Motion to Shorten Notice Period for Lender's Renewed Motion for the Appointment of a Chapter 11 Trustee Based on Continuing Malfeasance [Docket No. 478].

Many of the foregoing requests for relief are evidentiary, have been thoroughly briefed and highly contested. BSP believes that, between fact and expert witnesses, there may be in excess of ten witnesses to be examined live.

While BSP will seek to be as efficient as possible at the hearing, BSP believes that completing all of the above on April 7 will not be possible. BSP respectfully requests a pretrial conference with the Court to discuss the hearing scheduled for April 7, 2022 so that BSP and the other parties may appropriately prepare to handle the various contested matters set for that hearing. We will make ourselves available at the Court's convenience.

Very truly yours,



Lee B. Hart

cc: Douglas Spelfogel, Esq.  
Greg Zipes, Esq.  
All parties registered to receive electronic notice in the Chapter 11 Case